
**Information Collection Request
for the
Operator Certification Guidelines and
Expense Reimbursement Grants Program**

**EPA ICR Number 1955.02
OMB Control Number 2040-0236**

February 2002

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A.1 Identification of the Information Collection

A.1.a Title and Number of the Information Collection

Information Collection Request for the Operator Certification Guidelines and Expense Reimbursement Grants Program. OMB Control Number: 2040-0236.

A.1.b Short Characterization

EPA's Operator Certification Guidelines¹ require each state² to provide documentation demonstrating that it has adopted and is implementing an enforceable operator certification program that requires all community water systems (CWSs) and nontransient noncommunity water systems (NTNCWSs) to have properly trained and certified operators. Any state that does not adopt and implement an operator certification program that meets EPA's Guidelines is subject to a 20 percent withholding of the funds that it is otherwise entitled to receive under §1452 of 1996 Amendments to the Safe Drinking Water Act (SDWA). This information collection will be conducted annually by EPA's Regional Offices in consultation with the Office of Ground Water and Drinking Water (OGWDW). EPA will use the information to determine whether 20% of the funds that the state is otherwise entitled to receive under §1452 of SDWA must be withheld. CWSs and NTNCWSs will incur an associated information collection burden to apply for and renew the certifications of their operators.

Section 1419 of the 1996 SDWA Amendments authorizes \$30 million to be appropriated annually from fiscal year 1997 through fiscal year 2003 for the reimbursement of the training (including an appropriate per diem for unsalaried operators) and certification costs for small system (i.e., serving 3,300 persons or fewer) operators. States will be required to submit a grant application to EPA and an annual work plan that describes how funds are being spent. There will be no information collection burden to systems for expense reimbursement grants.

The cost and burden to states for this ICR is estimated at \$0.4 million and 11,914 hours over 3 years. The estimated system burden is 290,511 hours, with an estimated cost of \$6.5 million. The average annual cost and burden per state is \$2,696 (not in millions), 78 hours. On a per system level, an average annual cost and burden of \$32 (not in millions) and 1 hour is estimated.

The total respondent cost and burden for the Operator Certification Guidelines and the Operator Certification Expense Reimbursement Grants program over the 3 years covered by this ICR is estimated at \$6.9 million and 302,425 hours.

¹*Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems*, Vol. 64, No. 24 *Federal Register*, 5916, (February 1999).

²For purposes of this ICR, a state is defined as the 50 states and the Commonwealth of Puerto Rico.

A.2 Need for and Use of the Collection

A.2.a Authority and Need for the Collection

Through the 1996 SDWA Amendments, Congress conveyed the importance of properly trained operators in providing safe drinking water to the public. To underscore the importance of operator certification, the program was linked to the Drinking Water State Revolving Fund (DWSRF) program through a withholding of 20 percent of the funds that a state is otherwise entitled to if its program does not meet the requirements of EPA's Guidelines. In addition, §1419 authorizes \$30 million to be appropriated annually from fiscal year 1997 through fiscal year 2003 for the reimbursement of the training and certification costs of small system (i.e., serving 3,300 persons or fewer) operators. The Act further stipulates that if sufficient funds are unavailable, that this money be taken from the annual DWSRF appropriation.

This information collection is driven by the withholding provision and the expense reimbursement grants described above. EPA is required under §1419 to make an annual determination on whether to withhold a percentage of a state's DWSRF allotment, based on whether a state is implementing an operator certification program that meets EPA's Operator Certification Guidelines. In order to make these decisions, EPA must collect information from the states as required by EPA guidance. States, in turn, must collect information from water systems as required by their respective operator certification programs. Similarly, prior to awarding expense reimbursement grants to states, EPA will need to collect information from states to ensure that the state has a plan for distributing the funds to small system operators. Any state that does not have an approved operator certification program will be ineligible for an expense reimbursement grant. All funds that are withheld from, or unawarded to states will be reallocated to other states that have met the requirements of EPA's Operator Certification Guidelines.

The 1996 Amendments require EPA to establish minimum requirements for the certification and recertification of operators of CWSs and NTNCWSs. Under §1419 of the SDWA, states have two years from the date of publication of the final Guidelines to adopt and begin implementing an operator certification program that meets the requirements of the federal Guidelines. Beginning February 5, 2001, any state that has not done so will receive a 20 percent withholding from the amount it was otherwise entitled to receive for its DWSRF capitalization grant.

As the basis for determining compliance with §1419 of the SDWA, states are required under EPA's Guidelines to submit the following information to EPA:

- An Attorney General's certification, or certification from delegated counsel, that the state has the legal authority to implement the program and to require that systems comply with the appropriate requirements of the program.
- A copy of the state operator certification regulations.
- A full description and explanation of how the state's operator certification program complies with, or is substantially equivalent to, the requirements of these Guidelines. States may use the "Checklist & Crosswalk" as a guide to ensure proper documentation (see Appendix C). The Checklist & Crosswalk is part of EPA's Implementation Guidance for states and is available online at:
<http://www.epa.gov/safewater/opcert/stimp.pdf>.

As a prerequisite to receiving Expense Reimbursement Grants, states will be required to submit the following:

- A grant application.

A.2.b Practical Utility/Users of the Data

The information described in the previous sections will be collected by EPA and made available to the public upon request, as required by the Freedom Of Information Act (40 CFR, Chapter 1, Part 2). EPA will use the information to determine whether states have adopted and are implementing operator certification programs in accordance with the Guidelines developed by EPA and the relevant sections of SDWA.

A.3 Nonduplication, Consultations and Other Collection Criteria

The following sections verify that this information collection satisfies the Office of Management and Budget's (OMB's) nonduplication and consultation guidelines.

A.3.a Nonduplication

All of the information that will be requested from the states under this ICR is required by statute or EPA guidance and is not available from other sources. Presently, drinking water information is stored in EPA's Safe Drinking Water Information System (SDWIS). The database contains general information on public water systems (PWS) (e.g., size, type, source) and their violations of EPA's regulations for safe drinking water. Specifically, violations of the following three types are reported: maximum contaminant levels (the maximum level of a specific contaminant that can occur in drinking water), treatment techniques (specific methods facilities must follow to remove certain contaminants), and monitoring and reporting requirements (schedules utilities must follow to report testing results). The 1996 SDWA Amendments created the DWSRF program, under which EPA must begin to make withholding decisions for operator certification, also newly created by these Amendments. The requested information will be prepared or compiled by states based on their newly developed Operator Certification Guidelines and has never been developed or collected previously. In addition, while state laws and regulations are available to EPA, the most recent versions may not always be readily available. The information that EPA will collect, therefore, is not unnecessarily duplicative of information otherwise available to the Agency.

A.3.b Public Notice Required Prior to ICR Submission to OMB

In compliance with the requirements of the 1995 Paperwork Reduction Act, EPA published a notice in the *Federal Register* on February 28, 2001 (66 *FR* 12776) to solicit public comment on this ICR.

A.3.c Consultations

The Operator Certification Guidelines are the result of a thorough stakeholder consultation process under which EPA utilized the combined knowledge and expertise of two work groups. The State-EPA Work Group was appointed to fulfill EPA's responsibility under section 1419(a) to publish guidelines on operator certification "in cooperation with states." This work group was composed of seven state and ten EPA representatives. The other work group, the Operator Certification Work Group of the National Drinking Water Advisory Council (NDWAC), also called the Partnership, was formed to provide EPA with views in addition to those of states. This group, a subset of the full NDWAC, was composed of 23 members representing PWSs, environmental and public interest advocacy groups, state drinking water programs, EPA, U.S. Department of Agriculture, U.S. Public Health Service, Indian Health Service, and other interest groups (See Appendix D for a complete list of members and their affiliations).

Procedurally, the two groups worked closely together. Throughout the process, the Partnership met on four separate occasions, and the State-EPA Work Group met three times to exchange reviews of the proposed recommendations for minimum guidelines for state operator certification programs. The Partnership then presented its recommendations to the full NDWAC, which in turn presented its recommendations to EPA. The draft Guidelines were published for public comment in the *Federal*

Register on March 27, 1998. During the 90-day public comment period, EPA held public stakeholder meetings in San Francisco, California; Dallas, Texas; and Washington, DC, to brief interested parties on the draft Guidelines and to accept public comments. Ninety-eight parties responded to EPA's request for public comment.

In August 1998, both work groups met to consider the public comments and to make recommendations for finalizing the Guidelines based on the public comments. The resulting recommendations were forwarded to the full NDWAC for consideration. In November 1998, the NDWAC formally transmitted its recommendations to EPA. The Agency made changes based on public comment and on the recommendations of the NDWAC. These Guidelines set the minimum baseline standards for a state operator certification program to meet the provisions of the 1996 Amendments to the SDWA.

A.3.d Effects of Less Frequent Collection

Annual reporting is essential to enable EPA to make withholding determinations on each fiscal year's funds. Furthermore, the annual submittal of a workplan will allow the Agency to ensure that states are using the Expense Reimbursement Grant program funds for training as intended in the Act.

A.3.e General Guidelines

This collection does not violate any of the OMB guidelines for information collection activities. Specifically, the respondents are not required to:

- Report information to EPA more than quarterly;
- Prepare a written response to a collection of information in fewer than 30 days after receipt of a request;
- Submit more than an original and two copies of any document;
- Retain records, other than health, medical, government contract, grant-in-aid or tax records, for more than three years;
- Participate in a statistical survey that is not designed to produce data that can be generalized to the universe of the study;
- Use a statistical data classification that has not been reviewed and approved by OMB;
- Receive a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- Submit proprietary, trade secret, or other confidential information unless EPA can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

A.3.f Confidentiality

This information collection does not require respondents to disclose confidential information.

A.3.g Sensitive Questions

This information collection does not ask questions pertaining to sexual behavior or attitudes, religious beliefs, or other matters usually considered private.

A.4 The Respondents and the Information Requested

A.4.a Respondents and NAICS Codes

The respondents to this information collection include personnel from the state Drinking Water Program and PWSs. The North American Industry Classification System (NAICS) code for the state agencies that include the Drinking Water Programs are classified under either 92411–Air and Water Resources and Solid Waste Management or 92312–Administration of Public Health Programs. State licensing/certification agencies are classified under 92615. The NAICS code for PWSs is 22131.

A.4.b Information Requested

(i) Data Items, Including Recordkeeping Requirements

To satisfy §1419 of SDWA (regarding EPA’s Operator Certification Guidelines), states are required to submit the following information to EPA:

- An Attorney General’s certification, or certification from delegated counsel, that the state has the legal authority to implement the program and to require that systems comply with the appropriate requirements of the program.
- A copy of the state operator certification regulations.
- A full description and explanation of how the state’s operator certification program complies with, or is substantially equivalent to, the requirements of these Guidelines. This description shall include:
 - S A description of the basis for classification of treatment facilities and/or distribution systems.
 - S A description of the renewal requirements for each classification level.
 - S A description of the special renewal requirements for grandparented operators, if applicable.
 - S Documentation of the exam validation process.
 - S A description of how the state plans to track system compliance.
 - S A description of how the state plans to enforce its operator certification program.
 - S A description of program resources including:
 - a. Staff
 - b. Data management
 - c. Testing
 - d. Enforcement
 - e. Administration

- f. Training approval
- g. Fee System

S A description of the state's internal and external program review procedures.

S A description of the state's plan for stakeholder involvement.

S An implementation schedule, including:

- (a) The effective date of the state's regulations;
- (b) The deadline for system owners to apply for grandparenting, if applicable;
- (c) The date by which all systems will have a certified or grandparented operator;
and
- (d) Dates for stakeholder involvement activities.

Expense Reimbursement Grants Program

- A grant application.

(ii) Respondent Activities

The activities involved in response to the information collection are listed below by respondent.

States

Operator Certification Guidelines

- Obtain an Attorney General (AG) certification.
- Prepare an initial submittal consisting of all of the data items listed above for the Operator Certification Guidelines.
- Prepare an annual submittal that contains a report on the status of program implementation, documentation of any changes to the program, and if changes are made, a new AG's certification.

Expense Reimbursement Grants Program

- Submit a grant application.
- Prepare an annual report.

Water Systems

Community and Nontransient Noncommunity Systems

For the Operator Certification Guidelines, all CWSs and NTNCWSs must:

- Acquire certified operator(s) holding a valid certification equal to or greater than the classification of the system (many states already required this before EPA published Operator Certification Guidelines).
- Maintain/renew certification(s) as needed.

There is no cost or burden on water systems for the Expense Reimbursement Grants Program.

A.5 The Information Collected—Agency Activities, Collection Methodology and Information Management

A.5.a Agency Activities

The following EPA activities are associated with this information collection for operator certification.

- Respond to questions from states about the information collection;
- Review the submitted information from states;
- Request, if necessary, additional information from states;
- Notify states of the final determination on the adequacy of their programs; and
- Conduct an annual review of state programs to determine compliance with the Guidelines.

A.5.b Collection Methodology and Management

In collecting the information associated with this ICR, EPA will use telephones, the mail, or electronic means. Individual states will have the option of paper or electronic reporting (i.e., e-mail or diskette). EPA will ensure the accuracy and completeness of the information by reviewing each submittal.

A.5.c Small Entity Flexibility

EPA's Guidelines provide states with maximum flexibility in developing and implementing their operator certification program. EPA has also published a document entitled: Small System Regulatory Requirements Under the Safe Drinking Water Act Amendments of 1996, and is working on several other tools to help small systems comply. Furthermore, funding is available for training and certification expenses of small system operators through the Expense Reimbursement Grants program, and EPA's Guidelines permit the use of circuit riders (certified operators who are responsible for multiple systems) as determined to be appropriate by the state.

In developing this ICR, EPA considered the requirement of the Small Business Regulatory Enforcement Fairness Act (SBREFA) to minimize the burden of information collections on small entities. Small entities include "small businesses," "small organizations" and "small government jurisdictions." These terms are defined below.³

A small business is any business that is independently owned and operated and not dominant in its field as defined by the Small Business Administration (SBA) regulations under Section 3 of the Small Business Act.

³These definitions were taken from section 601 of the Regulatory Flexibility Act (RFA).

A small organization is any non-profit enterprise that is independently owned and operated and not dominant in its field.

A small governmental jurisdiction is the government of a city, county, town, township, village, school district or special district that has a population of fewer than 50,000. This definition may also include Indian Tribes.

The major requirement under SBREFA is a regulatory flexibility analysis (RFA) of all rules that have a “significant economic impact on a substantial number of small entities.” Since EPA is not promulgating a rule, this ICR is not subject to SBREFA.

A.5.d Collection Schedule

Under §1419, states have two years from the date of publication of EPA’s Guidelines to adopt and begin implementing an operator certification program. When the final Guidelines for operator certification were published in the *Federal Register* on February 5, 1999 (64 FR 5916), two sections were reserved for the submittal schedule and withholding process for revised and equivalent programs. EPA developed these sections and, after considering public comments, published them in the *Federal Register* on April 18, 2001 (66 FR 19939).

A.6 Estimating the Burden and Cost of the Collection

This section describes the annual burden and cost for the information collection activities associated with the Operator Certification Guidelines and the Expense Reimbursement Grants Program. The burden and cost estimates for PWSs are shown in Section A.6.a, burden and costs to states are shown in Section A.6.b, and the Agency's burden and cost estimates are shown in Section A.6.c. Because operator certification is a new provision, EPA made assumptions for the labor estimates for many of the activities associated with it. To the extent possible, assumptions were based on similar activities for other programs, and consultations with states or individuals already involved with operator certification. EPA emphasizes that the per respondent estimates represent the *average* burden and cost over the three year period covered by this ICR (2001 through 2003). Some respondents will incur higher costs and some will fall below the average. Appendix B provides detailed burden and cost estimates for PWSs and states.

A.6.a Estimating Burden and Cost to Public Water Systems

For purposes of calculating labor costs, EPA assumes that systems serving more than 3,300 people will have an average hourly rate for system personnel of \$28, and systems serving 3,300 and fewer will have an average rate for system personnel of \$14.50 per hour. These hourly rates are consistent with rates used in other drinking water ICR documents for PWSs.

There are approximately 73,140 public CWSs and NTNCWSs reported in the SDWIS database.⁴ EPA estimates that over the course of this ICR, 68,345 public CWSs and NTNCWSs will be affected by Operator Certification. The Agency assumes that a percentage of systems will be unaffected during this ICR approval period due to the grandparenting provision and baseline standard number five, which permits states to establish a renewal cycle of up to 3 years. This ICR addresses EPA's Guidelines for the Certification and Recertification of Operators of CWSs and NTNCWSs, and the Expense Reimbursement Grants Program to assist small CWSs and NTNCWSs with training and certification costs. EPA estimates that during this ICR approval period, the average annual burden for all CWSs and NTNCWSs will be approximately 96,837 hours. The average annual cost to CWSs and NTNCWSs will be \$2.2 million. Over the 3-year life span of this ICR, the estimated burden to affected water systems will be 290,511 hours and \$6.5 million. Table 6.1 summarizes these burden estimates.

⁴EPA obtained this figure from SDWIS after the July 2000 updates.

Table 6.1: Total Burden/Costs to Systems for Operator Certification				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Operator Certification Guidelines (Labor)	290,511	\$3,772,552	96,837	\$1,257,517
Operator Certification Guidelines (O&M)		\$2,742,044		\$914,015
Expense Reimbursement Grants Program	0	\$0	0	\$0
Total Burden for Systems	290,511	\$6,514,596	96,837	\$2,171,532
Average Annual Burden and Cost per System			1	\$32

Central to the assumptions used to derive these burden and cost estimates was the assumption that 30 percent of operators of small CWSs and 70 percent of operators of small NTNCWSs are unpaid. EPA assumes that all operators of systems serving >3,300 people will be paid. NTNCWSs are comprised primarily of schools, factories, and office parks, where an existing employee will take on the additional responsibility of running the water system. Since it is likely that this individual will not be paid a separate salary for the additional responsibility of running the system, EPA is considering these individuals unpaid for purposes of this ICR.

The Agency also assumes that a large portion of the costs to small systems for training and certification (i.e., fees for training courses and certification, travel, and per diem for unsalaried operators) will be absorbed by the Expense Reimbursement Grants Program.

Initial/Start-Up Burden to Systems for Operator Certification Guidelines

Two possible scenarios under EPA's Operator Certification Guidelines for any CWS or NTNCWS are:

Scenario A The system already has a certified operator.

Scenario B The system is under a new requirement to have a certified operator and will either apply to grandparent an operator, certify an operator, or hire a circuit rider.

The assumptions behind these two scenarios are based on the Information for States on Recommended Operator Certification Requirements (EPA 816-R-98-001), on discussions with states that attended the Operator Certification Implementation Workshops held in Spring 1999, and on EPA's review of draft operator certification programs submitted by states. These assumptions are further described below. The burden associated with each scenario is weighted by the appropriate percentage of systems that will fall under each scenario, and then totaled to derive the line item burden per system for this activity.

Scenario A: Already has a certified operator

Based on Chapter 1 of EPA's Information for States on Recommended Operator Certification Requirements, the *Summary of Existing Operator Certification Programs*, an estimated 50 percent of small systems and 90 percent of medium/large systems (systems serving greater than 3,300 persons) already have a certified operator. It is assumed that systems which fall under Scenario A will bear no initial burden as a result of the Guidelines.

Scenario B: Apply for grandparenting, certify operator, or hire circuit rider

As described above, EPA utilized its knowledge of state programs through the *Summary of Existing Operator Certification Programs*, to estimate that 50 percent of small systems and 10 percent of medium/large systems would be under a new requirement.⁵

Through further discussions with states and the review of several draft programs, EPA estimates that 30 percent of states will offer grandparenting, and that the vast majority of systems located in these States will apply to grandparent an operator (25 percent of small systems and 4 percent of medium/large systems). Based on descriptions of grandparenting applications provided by states, EPA estimates that it will take systems approximately 15 minutes to complete a grandparenting application. Based on information from states that attended the Operator Certification Implementation Workshops in the Spring of 1999, EPA estimates that 50 percent of state programs will be effective in fiscal year 2001, and that the remainder will become effective in fiscal year 2002. Since systems have two years from the effective date of their programs to apply for grandparenting, it is estimated that 10 percent will apply in fiscal year 2001, that 30 percent will apply in fiscal year 2002, and that the remaining systems will apply in fiscal year 2003 (60%).

It is estimated that 13 percent of small systems and 3 percent of medium/large systems will train and certify an existing operator, and the remaining systems will hire a circuit rider (12 percent of small systems and 3 percent of medium/large systems).

It is estimated that the total 3-year cost and burden for CWSs and NTNCWSs to implement the initial activities of the Operator Certification Guidelines is \$504,930 and 51,264 hours in labor. There is an additional cost of \$47,952 in non-labor costs (O&M) for certification exam fees and the application fees. Table 6.2 illustrates the estimated total and average annual cost and burden for initial activities required by the Guidelines.

⁵If a state chooses to offer grandparenting, only those systems that are required to have a certified operator for the first time as a result of the Guidelines are eligible to apply.

Table 6.2: Initial/Start-up Burden/Costs to Systems for Operator Certification Guidelines					
Activities		Total Estimated Burden		Average Annual Burden	
		Hours	Dollars	Hours	Dollars
1	Already has a certified operator	0	\$0	0	\$0
2	Apply for grandparenting status from state, certify operator, or hire a circuit rider	51,264	\$504,930	17,088	\$168,310
<i>Subtotal Initial Burden (Labor)</i>		<i>51,264</i>	<i>\$504,930</i>	<i>17,088</i>	<i>\$168,310</i>
	O&M costs (i.e., application and exam)		\$47,952		\$15,984
<i>Subtotal Initial Burden (O&M)</i>			<i>\$47,952</i>		<i>\$15,984</i>
Total Initial Burden for Systems		51,264	\$552,882	17,088	\$184,294

Annual/Recurring Burden to Systems for Operator Certification Guidelines

- Maintain and renew certification

The Agency used assumptions from the April 18, 2001 *Federal Register* notice (66 FR 19939) to estimate the information collection burden associated with certification renewal. Since all operators must renew within a maximum of three years, EPA estimated that one third of the operators will seek renewal in a given year. Certification maintenance and renewal costs for the estimated 12 percent of small systems that will be covered by a circuit rider are not included because these costs will not be absorbed by the system.

It is estimated that the total 3-year burden for CWSs and NTNCWSs to implement the annual activities of the Operator Certification Guidelines is \$3.3 million in labor costs and 239,247 hours. There is an additional cost of \$2.7 million in O&M costs for non-labor related expenses. Table 6.3 illustrates the total estimated burden and average annual burden for annual activities required by the Guidelines.

Table 6.3: Annual/Recurring Burden/Costs to Systems for Operator Certification Guidelines				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Maintain and renew certification (Labor only)	239,247	\$3,267,622	79,749	\$1,089,207
Maintain and renew certification (O&M costs) (i.e., renewal fees)		\$2,694,092		\$898,031
Total Annual Burden for Systems	239,247	\$5,961,714	79,749	\$1,987,238

Total System Burden for Operator Certification Guidelines

Table 6.4 illustrates the total estimated burden and average annual burden for initial and annual activities required by EPA's Guidelines for operator certification.

Table 6.4: Total Burden/Costs to Systems for Operator Certification Guidelines				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Initial Labor	51,264	\$504,930	17,088	\$168,310
Annual Labor	239,247	\$3,267,622	79,749	\$1,089,207
<i>Total Labor</i>	<i>290,511</i>	<i>\$3,772,552</i>	<i>96,837</i>	<i>\$1,257,517</i>
Initial O&M (i.e., application and exam)		\$47,952		\$15,984
Annual O&M (i.e., renewal fees)		\$2,694,092		\$898,031
<i>Total O&M</i>		<i>\$2,742,044</i>		<i>\$914,015</i>
Total Burden for Systems	290,511	\$6,514,596	96,837	\$2,171,532
Average Annual Burden and Cost per System			1	\$32

Total System Burden for Expense Reimbursement Grants Program

There is no quantifiable burden imposed on systems for the Expense Reimbursement Grants program. All burden associated with this program will be absorbed by states and EPA.

A.6.b Estimating the Burden and Cost to States

For purposes of calculating state labor costs, EPA assumes a fully loaded cost of \$72,000 to employ one state full time equivalent (FTE).⁶ Consistent with EPA's February 1999 ICR Handbook, it is also assumed that one FTE is equivalent to 2,080 hours worked per year.

EPA estimates that the total burden over 3 years (2001-2003) for 51 states to conduct the information collection activities associated with this ICR will be 11,914 hours, with a total cost of \$412,449. State costs are attributed all to labor. On average, the annual cost per state is expected to be \$2,696 with an annual labor burden of 78 hours. Table 6.5 summarizes these cost and burden estimates.

⁶This salary estimate is consistent with the estimate used in the approved Unregulated Contaminant Monitoring Regulation ICR, EPA ICR # 1882.02, August 1999.

Table 6.5: Total Burden/Costs to States for Operator Certification				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Operator Certification Guidelines	3,958	\$137,012	1,319	\$45,671
Expense Reimbursement Grants Program	7,956	\$275,437	2,652	\$91,812
Total Burden for States	11,914	\$412,449	3,971	\$137,483
Average Annual Burden per State			78	\$2,696

Initial/Start-up Burden to States for Operator Certification Guidelines

- Submit material to EPA

For the initial program submittal to EPA, states must include:

	Estimated time to complete (hours)
Attorney General's certification	8
Checklist/crosswalk ⁷	16
Program summary	8
Implementation schedule	8

Because EPA expects that all four items will be submitted by each state, the sum of the estimated time to complete each activity, in addition to an estimated four hours per state to gather and assemble these materials for submittal, is the estimate of burden associated with a state's initial program submittal to EPA (i.e., 44 hours per state).

EPA estimates that the total 3-year cost and burden to states for implementing the initial activities of the Operator Certification Guidelines is \$77,687 and 2,244 hours. The average annual burden is \$25,896 and 748 hours. Table 6.6 illustrates the total estimated burden and average annual burden for the initial activities required by the Guidelines.

⁷EPA notes that the checklist/crosswalk is not required, but rather intended to assist states and EPA in determining whether a program is complete and meets the Guidelines.

Table 6.6: Initial/Start-up Burden/Costs to States for Operator Certification Guidelines				
Activity	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Submit material to EPA	2,244	\$77,687	748	\$25,896
Total Initial Burden for States	2,244	\$77,687	748	\$25,896

Annual State Burden for Operator Certification Guidelines

- Submit material to EPA

The components of the annual program submittal are:

- Preparation of a report documenting the status of program implementation in each state. It is assumed that this will include a list of statistics on the basis of which EPA may measure progress (e.g., the number of systems with certified operators, system compliance information, etc.). States will also explain these statistics and any other aspects of their programs as needed within this report.
- If changes were made to a state's program, written documentation explaining the changes and an Attorney General's certification that the program is still enforceable under state law must be submitted. It is estimated that on average, 5 percent of states will make changes to their operator certification programs.

It is estimated that it will take 16 hours for the average state to prepare the status report. The agency does not expect that any states will make programmatic changes during the 3-year period covered by this ICR.

It is estimated that the total 3-year burden for states to implement the annual activities of the Operator Certification Guidelines is \$59,325 and 1,714 hours. The average annual burden is \$19,775 and 571 hours. Table 6.7 illustrates the total estimated burden and average annual burden for the annual activities required by the Guidelines.

Table 6.7: Annual/Recurring Burden/Costs to States for Operator Certification Guidelines				
Activity	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Submit material to EPA	1,714	\$59,325	571	\$19,775
Total Annual Burden for States	1,714	\$59,325	571	\$19,775

Table 6.8 illustrates the total estimated burden and average annual burden for all state activities required by the Guidelines.

Table 6.8: Total Burden/Costs to States for Operator Certification Guidelines				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Initial Labor Burden	2,244	\$77,687	748	\$25,896
Annual Labor Burden	1,714	\$59,325	571	\$19,775
Total Burden for States	3,958	\$137,012	1,319	\$45,671
Average Annual Burden per State			26	\$896

Initial/Start-up Burden to States for Expense Reimbursement Grants Program

- Submit material to EPA

The initial submittal to EPA for the Expense Reimbursement Grants Program will be a grant application and a description of the state's intended uses for the funds. It is estimated that it will take, on average, 7 days for a state to complete this task.

EPA estimates that the total 3-year burden for states to conduct the information collection activities associated with the Expense Reimbursement Grants Program is \$98,874 and 2,856 hours. The average annual burden is \$32,958 and 952 hours. Table 6.9 illustrates the total estimated burden and average annual burden for initial activities required by the Expense Reimbursement Grants Program.

Table 6.9: Initial/Start-up Burden/Costs to States for Expense Reimbursement Program				
Activity	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Submit material to EPA (i.e., grant application)	2,856	\$98,875	952	\$32,958
Total Initial Burden for States	2,856	\$98,875	952	\$32,958
Average Annual Burden per State			19	\$646

Annual State Burden for Expense Reimbursement Grants Program

Table 6.10: Annual/Recurring Burden/Costs to States for Expense Reimbursement Program				
Activity	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Submit material to EPA (i.e., annual report)	5,100	\$176,562	1700	\$58,854
Total Initial Burden for States	5,100	\$176,562	1,700	\$58,854
Average Annual Burden per State			33	\$1,154

Total State Burden for Expense Reimbursement Grants Program

Table 6.11: Total Burden/Costs to States for Expense Reimbursement Program				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Initial Labor Burden	2,856	\$98,875	952	\$32,958
Annual Labor Burden	5,100	\$176,562	1,700	\$58,854
Total Burden for States	7,956	\$275,437	2,652	\$91,812
Average Annual Burden per State			52	\$1,800

A.6.c Estimating Burden and Cost to EPA

EPA estimates that the total burden and cost to the Agency will be 3,741 hours and \$147,545 over 3 years. A breakdown of this estimate is provided in Table 6.12. Costs were calculated by dividing annual compensation for GS-12, step 5 personnel,⁸ by 2,080 hours in the federal work year. The hourly rates were then multiplied by the standard government benefits factor of 1.6. All cost and burden estimates are based on full participation from the states.

⁸This figure was obtained from the Office of Personnel Management's 2001 GS pay schedule.

Table 6.12: Total Burden/Costs to Agency for Operator Certification				
Activities	Total Estimated Burden		Average Annual Burden	
	Hours	Dollars	Hours	Dollars
Operator Certification Guidelines	2,058	\$86,517	686	\$28,839
Expense Reimbursement Grants Program	1,683	\$70,752	561	\$23,584
Total Agency Burden	3,741	\$157,269	1,247	\$52,423

Operator Certification Guidelines

A general discussion of EPA's process for the review of state operator certification programs is provided below. Agency burden for the Expense Reimbursement Grants program is discussed separately at the end of this section.

- Review and comment on initial submittal

For purposes of this estimate, this activity includes: reviewing submitted information, and corresponding with states. To derive the estimated burden per state for each program, the following assumptions were made:

- S** It is assumed that EPA's review time for each program will decrease significantly after the initial submittal.
- S** Because most states will have several questions for EPA as they develop and implement their program, time was included for the Agency to address a few questions per state. It is assumed that the bulk of questions will occur in the initial phases of the program. A small amount of time was also factored in for EPA's questions as it reviews state programs. These may be in the form of a quick phone call or e-mail, or they may be a longer, more formal request for clarification (i.e., a letter or memo). Some time was also factored in for addressing questions and clarifications. It is assumed that this sort of correspondence with the states will be handled by the Regions.
- S** Upon completion of the review of the initial submittal, EPA will generate a response to the state. In the event of an unsatisfactory program, EPA must prepare a detailed response that outlines each of the identified deficiencies in the program. If the program is deemed to be satisfactory in meeting the Guidelines, an approval letter will be provided. However, it is assumed that most Regions will respond to their states either way.

- Final review and notification of withholding determination

EPA's involvement with many states will be finished after reviewing and commenting on the initial submittal. However, some states will be required to address deficiencies identified by the Agency during its initial review, and resubmit their programs for approval. Because EPA will be looking for very specific things that it identified in a previous review, it is assumed that the average time per state will be a fraction of what it was for the full review of the initial submittal. It is estimated that 40 percent of states will fall into this category during the first year. The estimated burden for this activity is 5 hours per state.

- Annual program review

EPA assumes that very few states will make changes to their approved programs in a given year. Therefore, for the majority of states, the annual review will consist of reviewing reports and updates on program implementation. EPA estimates that it will take 10 hours per state to conduct the annual review.

Expense Reimbursement Grants Program

EPA's activities under the Expense Reimbursement Grants program will be similar to those described above. EPA will review the states' initial grant application and annual reports that outline how they will spend the money allotted to them.

- Review initial state grant application

It is assumed that states will have questions as they develop their expense reimbursement programs, and that EPA will have questions as they review work plans. Therefore, time has been factored in for both of these. Consistent with the program reviews, it is assumed that all Regions will notify each of their states to confirm the results of the review. It is estimated that this activity will take, on average, 13 hours per state to complete.

- Annual report review

For the annual review under the expense reimbursement grants program, EPA will verify that the state is using its money as indicated in the previous report. EPA estimates that it will take 10 hours per state to review the annual reports.

A.6.d Estimating the Respondent Universe and Total Burden and Costs

The universe of respondents for the Operator Certification Guidelines and Expense Reimbursement Grants program is clearly defined. In addition to 51 state respondents, EPA estimates that there will be 68,345 respondents from CWSs and NTNCWSs for Operator Certification during the 3-year period of this ICR.

National total burden and cost estimates for Operator Certification (including Expense Reimbursement) are presented in Table 6.13. The total estimated system and state burden is 4 hours per response and the estimated total cost per response is \$101.

Table 6.13: Total Burden and Cost for Operator Certification			
Respondent	Number of Respondents	Total Burden (hours)	Total Cost
CWS/NTNCWS	68,345	290,511	\$6,514,596
State	51	11,914	\$412,449
TOTAL	68,396	302,425	\$6,927,045
Burden per Response (in hours)			4
Cost per Response (not in millions)			\$101

A.6.e Reasons For Change In Burden

This ICR does not modify an existing ICR.

A.6.f Burden Statement

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology, and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

Burden statement: The average reporting burden for a state government that has primacy for the Public Water System Supervision program is estimated to increased by 520 hours (or 173 hours annually) as a result of Operator Certification. The estimate includes time required to:

- Prepare initial and annual submittals to EPA
- Obtain an Attorney General certification
- Submit expense reimbursement grant application and annual work plans.

The reporting burden for a CWSs and NTNCWSs is estimated to increase by 4 hours per system over the 3-year period (or by 1 hour annually). This estimate includes time required to:

- Acquire a certified operator holding a valid certification equal to or greater than the classification of the system.

- Maintain/renew operator certification(s).

This information collection is necessary to satisfy the mandate of §1419 of the Safe Drinking Water Act as amended, which requires EPA to withhold a percentage of a state's DWSRF allotment if the state has not developed and begun implementing an Operator Certification program that meets EPA's Guidelines by February 5, 2001.

Respondents: Any state which has primacy for the Public Water System Supervision program and all CWSs and NTNCWSs.

Estimated Number of Respondents: 68,396 (51 states and 68,345 public water systems).

Frequency of Collection: Annually for states; as required for systems (e.g., one-time, every six months, annually, triennially, every nine years) to demonstrate compliance.

Estimated Total Annual Burden on Respondents: 100,808 hours

Annual Reporting and Recordkeeping Burden			
Hour Burden		Cost Burden	
Number of responses	68,396	Total annualized capital/startup costs	\$0
Total annual responses	22,799		
% collected electronically	90	Total annual costs (O&M)	\$898,031
Total hours requested	302,425	Total annualized cost requested	\$898,031
Current OMB inventory	0	Current OMB inventory	\$0
Difference	302,425	Difference	\$898,031

Appendix A

Section 1419 of the SDWA

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Operator Certification Provisions in SDWA (§1419)

Sec. 1419. (a) GUIDELINES.--Not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and in cooperation with the States, the Administrator shall publish guidelines in the *Federal Register*, after notice and opportunity for comment from interested persons, including States and public water systems, specifying minimum standards for certification (and recertification) of the operators of community and nontransient noncommunity public water systems. Such guidelines shall take into account existing State programs, the complexity of the system, and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

(b) STATE PROGRAMS.--Beginning 2 years after the date on which the Administrator publishes guidelines under subsection (a), the Administrator shall withhold 20 percent of the funds a State is otherwise entitled to receive under section 1452 unless the State has adopted and is implementing a program for the certification of operators of community and nontransient noncommunity public water systems that meets the requirements of the guidelines published pursuant to subsection (a) or that has been submitted in compliance with subsection (c) and that has not been disapproved.

(c) EXISTING PROGRAMS.--For any State exercising primary enforcement responsibility for public water systems or any other State which has an operator certification program, the guidelines under subsection (a) shall allow the State to enforce such program in lieu of the guidelines under subsection (a) if the State submits the program to the Administrator within 18 months after the publication of the guidelines unless the Administrator determines (within 9 months after the State submits the program to the Administrator) that such program is not substantially equivalent to such guidelines. In making this determination, an existing State program shall be presumed to be substantially equivalent to the guidelines, notwithstanding program differences, based on the size of systems or the quality of source water, providing the State program meets the overall public health objectives of the guidelines. If disapproved, the program may be resubmitted within 6 months after receipt of notice of disapproval.

(d) EXPENSE REIMBURSEMENT.--

(1) IN GENERAL.--The Administrator shall provide reimbursement for the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating systems serving 3,300 persons or fewer that are required to undergo training pursuant to this section.

(2) STATE GRANTS.--The reimbursement shall be provided through grants to States with each State receiving an amount sufficient to cover the reasonable costs for training all such operators in the State, as determined by the Administrator, to the extent required by this section. Grants received by a State pursuant to this paragraph shall first be used to provide reimbursement for training and certification costs of persons operating systems serving 3,300 persons or fewer. If a State has reimbursed all such costs, the State may, after notice to the Administrator, use any remaining funds from the grant for any of the other purposes authorized for grants under section 1452.

(3) AUTHORIZATION.--There are authorized to be appropriated to the Administrator to provide grants for reimbursement under this section \$30,000,000 for each of fiscal years 1997 through 2003.

(4) RESERVATION.--If the appropriation made pursuant to paragraph (3) for any fiscal year is not sufficient to satisfy the requirements of paragraph (1), the Administrator shall, prior to any other allocation or reservation, reserve such sums as necessary from the funds appropriated pursuant to section 1452(m) to provide reimbursement for the training and certification costs mandated by this subsection.

Appendix B

Burden and Cost Tables for States and Water Systems for Operator Certification

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Appendix C

Sample Checklist & Crosswalk for Operator Certification

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CHECKLIST & CROSSWALK FOR THE REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

State: _____

Submission Date: _____

Revised Program or Equivalent Program (circle one)

Prepared by:

Name: _____

Title: _____

Program Status: Draft or Final (circle one)

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]	
I.	Authorization					
	Does the State have the legal authority to implement an operator certification program for its:					
	S	Community Water Systems (CWSs)?	Y	N		
	S	Nontransient Noncommunity Water Systems (NTNCWSs)?	Y	N		
		Does the State have the legal authority to require that systems comply with the requirements of the operator certification program?	Y	N		
		Did the State submit its Attorney General Certification?	Y	N		
		Has the Authorization been delegated?	Y	N		
		If delegated, to whom? _____				
		Did the State submit documentation of legal delegation?	Y	N		
		<i>Does the State's program meet the baseline standard for Authorization?</i>	Y	N		
II.	Classification of Systems, Facilities, and Operators					
	Has the State classified all CWSs based on indicators of potential public health risk, which for example may include: (a) complexity, size, source water for treatment facilities, and (b) complexity, size for distribution systems? Explain in remarks.		Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Has the State classified all NTNCWSs based on indicators of potential public health risk, which for example may include: (a) complexity, size, source water for treatment facilities, and (b) complexity, size for distribution systems? Explain in remarks.	Y	N		
	Has the State developed specific operator certification and renewal requirements for each classification level?	Y	N		
	Does the State require owners of all CWSs and NTNCWSs to place the direct supervision of their water system (treatment and/or distribution) under the responsible charge of an operator holding a valid certification equal to or greater than the classification of the treatment facility or distribution system?	Y	N		
	Are operator(s) in responsible charge required to hold a valid certification equal to or greater than the classification of the treatment facility and/or distribution system?	Y	N		
	Are all operating personnel making process control/system integrity decisions about water quality or quantity that affect public health required to be certified?	Y	N		
	Does the State require that a designated certified operator be available for each operating shift?	Y	N		
	Did the State backslide with respect to any of the requirements under Baseline Standard No. II? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Classification of Systems, Facilities and Operators?</i>	Y	N		
III.	Operator Qualifications				
	Does the State require applicants to pass an exam?	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Do exams demonstrate that the applicant has the necessary knowledge, skills, ability, and judgement as appropriate for the classification?	Y	N		
	Are all exams validated or in the process of being validated? Please give date that the State expects to have all exams validated. Date _____	Y	N		
	By whom? _____				
	Explain validation process in Remarks Section				
	To become certified, does the State require operators to have a high school diploma or GED or experience or relevant training that may be substituted?	Y	N		
	To become certified, does the State require operators to have on-the-job experience or have education that may be substituted for experience for each appropriate level of certification?	Y	N		
	Is grandparenting allowed by the State? If yes, answer the following:	Y	N		
	1. Does the State restrict grandparenting to existing operator(s) in responsible charge of existing systems which, because of State law changes to meet these guidelines, must for the first time have a certified operator?	Y	N		
	2. Is the system owner required to apply for grandparenting within two years of the effective date of the State's regulation?	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	3. What is the effective date of the State's regulation? _____				
	4. Is grandparenting site-specific to systems and non-transferable to other operators?	Y	N		
	5. Are grandparented operators required to meet all the requirements to meet certification renewal within some time period specified by the State? (Three years or less)	Y	N		
	6. Does a grandparented certification become invalid if the classification of the plant or distribution facility for which the operator was grandparented changes to a higher classification?	Y	N		
	7. If a grandparented operator chooses to work for a different water system, then is he/she required to meet the initial certification requirements for that system?	Y	N		
	8. On what does the State base its grandparenting decisions (e.g., system compliance history, operator experience and knowledge, system complexity, lack of treatment). Explain in remarks.				
	Did the State backslide with respect to any of the requirements under Baseline Standard No. III? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Operator Qualifications?</i>	Y	N		
IV.	Enforcement				

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Does the State primacy agency have regulations requiring CWSs and NTNCWSs to comply with State Operator Certification requirements? Name of primacy agency: _____	Y	N		
	In non-primacy States, has the Governor determined which State agency shall enforce operator certification requirements? Name of agency: _____	Y	N		
	What specific enforcement capabilities does the State have:				
	1. Administrative Orders?	Y	N		
	2. Bilateral Compliance Agreements?	Y	N		
	3. Civil Administrative Penalties?	Y	N		
	4. Criminal Administrative Penalties?	Y	N		
	5. Stipulated Penalties?	Y	N		
	6. Other? _____				
	Does the State have appropriate enforcement capability?	Y	N		
	Does the State have the authority to revoke an operator's certification?	Y	N		
	Does the State have the authority to suspend an operator's certification or take other appropriate enforcement action for operator misconduct? Explain in remarks.	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Did the State backslide with respect to any of the requirements under Baseline Standard No. IV? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Enforcement?</i>	Y	N		
V.	Certification Renewal				
	Has the State established training requirements for renewal based on the level of certification held by operator?	Y	N		
	Does the State require all operators including grandparented operators to acquire necessary amounts and types of State approved training?	Y	N		
	Does the State have a fixed cycle of renewal not exceeding 3 years? How long? _____	Y	N		
	Does the State require individuals to recertify if the individual fails to renew or qualify for renewal within two years of the date that the certificate expired?	Y	N		
	Does the State identify specific renewal requirements for grandparented operators to ensure that they possess the knowledge, skills, ability and judgement to properly operate the system?	Y	N		
	Identify which one or more of the following approaches the State uses:				
	1. The State specifies renewal requirements for grandparented operators on a case-by-case basis, taking into consideration system compliance history and operator experience and knowledge.	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	2. The State requires specific training requirements for certification renewal at the first renewal cycle for grandparented operators including all of the information covered by the initial certification exam for the system classification level for which the operator was grandparented.	Y	N		
	3. The State requires operators with grandparented certificates to meet all of the initial certification requirements for the classification level for which the operator was grandparented, and thereby obtain certification within a reasonable time period specified by the State. List the time period _____	Y	N		
	4. Does the State use another approach to ensure grandparented operators possess the knowledge, skills, ability and judgement to properly operate the system? If yes, describe.	Y	N		
	Did the State backslide with respect to any of the requirements under Baseline Standard No. V? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Certification Renewal?</i>	Y	N		
VI.	Resources Needed to Implement the Program				
	Does the State provide sufficient resources to adequately fund and sustain its operator certification program that must include the following components: staff, data management, testing, enforcement, administration, and training approval?	Y	N		
	Does the State have a dedicated fund that is self-sufficient?	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Did the State backslide with respect to any of the requirements under Baseline Standard No. VI? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Resources Needed to Implement the Program?</i>	<i>Y</i>	<i>N</i>		
VII.	Recertification				
	Does the State's program have a process for the recertification of operators whose certification has expired for a period exceeding two years?	Y	N		
	Does the recertification process include:				
	1. Review of the individual's experience and training?	Y	N		
	2. Re-examination?	Y	N		
	Does the State have more stringent requirements for recertification of individuals whose certificates have expired, been revoked, or been suspended? If yes, explain in remarks.	Y	N		
	Did the State backslide with respect to any of the requirements under Baseline Standard No. VII? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Recertification?</i>	<i>Y</i>	<i>N</i>		
VIII.	Stakeholder Involvement				
	Does the State include ongoing stakeholder involvement in the revision and operations of its operator certification program?	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	Describe the State's stakeholder involvement process:				
	Does the State have a stakeholder board or advisory committee?	Y	N		
	Did the State backslide with respect to any of the requirements under Baseline Standard No. VIII? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Stakeholder Involvement?</i>	Y	N		
IX.	Program Review				
	Does the State have a process for reviewing its own program? Explain in remarks.	Y	N		
	Does the State's process include periodic internal reviews? Identify time frame for review and plan for review in Remarks section	Y	N		
	Does the State's process include occasional external/peer reviews? Identify time frame for review and plan for review in Remarks section	Y	N		
	Does the State's program review process include review of:				
	1. Regulations?	Y	N		
	2. Exam items for relevancy and validity?	Y	N		
	3. Compliance?	Y	N		

CHECKLIST & CROSSWALK FOR REVIEW OF STATE OPERATOR CERTIFICATION PROGRAMS

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	4. Enforcement?	Y	N		
	5. Budget and staffing?	Y	N		
	6. Training relevancy?	Y	N		
	7. Training needs through exam performance?	Y	N		
	8. Data management system?	Y	N		
	Did the State backslide with respect to any of the requirements under Baseline Standard No. IX? If yes, explain in remarks.	Y	N		
	<i>Does the State's program meet the baseline standard for Program Review?</i>	Y	N		
	Initial Submittal Contents				
	Has the State submitted the following:				
	1. Attorney General's certification?	Y	N		
	2. Documentation of the delegation of authority, if AG statement is signed by delegated counsel?	Y	N		
	3. A full description and explanation of how its operator certification program complies with or is substantially equivalent to the requirements of these guidelines?	Y	N		
	4. Copy of its operator certification statutes and regulations?	Y	N		
	5. Description of the basis for classification of treatment and /or distribution facilities?	Y	N		

**CHECKLIST & CROSSWALK FOR REVIEW OF
STATE OPERATOR CERTIFICATION PROGRAMS**

STATE: _____

Baseline Standard No.	EPA Guideline	Circle one		State Citation document title; page #; § and ¶	Remarks [Explain here if different than federal requirement; use separate sheet, if necessary]
	6. Description of certification requirements for each classification level?	Y	N		
	7. Description of the renewal requirements for each classification level?	Y	N		
	8. Description of special renewal requirements for grandparented operators?	Y	N		
	9. Documentation of exam validation for all classification levels?	Y	N.		
	10. Plan for tracking compliance and enforcement?	Y	N		
	11. Plan for enforcing its operator certification program?	Y	N		
	12. Description of program resources?	Y	N		
	13. Description of internal program review procedures?	Y	N		
	14. Description of external program review procedures?	Y	N		
	15. Plan for stakeholder involvement?	Y	N		
	16. Implementation schedule?	Y	N		

Appendix D

Working Group Membership List

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**NATIONAL DRINKING WATER ADVISORY COUNCIL
OPERATOR CERTIFICATION WORKING GROUP**

Designated Federal Officer

Rick Naylor
EPA/OGWDW (4606)
401 M Street SW
Washington, D.C. 20460

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Appendix E

Response to Comments

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Response to Comments — EPA ICR # 1955.01

This document provides EPA's response to comments received from one commenter on the proposed Information Collection Request (ICR) for the Operator Certification Guidelines and Expense Reimbursement Grants Program (EPA ICR# 1955.01). Notice of a 30-day comment period on the ICR was published in the *Federal Register* on February 28, 2001 (66 FR 12776). EPA's response to each comment is provided in bold. Comments are provided in their entirety.

We have reviewed the Information Collection Request (ICR) for the Operator Certification Guidelines and Expense Reimbursement Grants Program as detailed in the February 28' Federal Register notice. We generally agree with the methodology used to develop the costs in the ICR Supporting Statement, however, we question many of the assumptions used in the Supporting Statement- These assumptions may or may not be correct, and there is no way to evaluate them, as no references are given. For example, at the bottom of page 13, EPA assumes that 50% of small systems and 90% of large/medium systems already have a certified operator. Surely some documentation on this assumption exists somewhere, possibly in EPA's Community Water Supply System (CWSS) Survey (based on how many systems have treatment) or from the Association of Boards of Certification (ABC). A similar assumption on the bottom, on page 14 assumes that 13 % of small systems and 3 % of medium/large systems will train and certify an existing operator isn't backed up with any documentation. Throughout the Supporting Statement, assumptions on specific impacts to water systems are made without any backup documentation.

The examples that the commentor references were derived based on the Information for States on Recommended Operator Certification Requirements (EPA 816-R-98-001), on discussions with states that attended the Spring 1999 Operator Certification Implementation Workshops, and on EPA's review of draft operator certification programs submitted by states. EPA has added clarification to this section to address the commentor's concern.

Additionally, This Supporting Statement doesn't take into account that systems will have to train and certify their operators to a higher classification due to the installation of additional treatment to meet upcoming regulations. For example, approximately 3,000 groundwater systems will have to install treatment to comply with the arsenic regulation. Each of these groundwater systems will go from, simple disinfection (or no treatment at all) to extremely complex treatment such as ion exchange, activated alumina, or coagulation/microfiltration. The increased need for operators with increasingly higher level of certifications becomes clear when ALL of the regulations (arsenic, radon, radionuclides, groundwater rule, Stage 2 Disinfectants/Disinfection ByProducts, Long-Term 1 Enhanced Surface Water Treatment Rule, Long-Term 2 Enhanced Surface Water Treatment Rule) are compounded, EPA needs to account for this operator certification "creep" when developing the final costs for the operator certification expense reimbursement grants program. AWWA. recommends that EPA work closely with the State primacy agencies to develop the cost impacts from the increased levels of operator certification resulting

from the upcoming regulations and the potential lack of certified operators available to meet these increased needs.

The Agency wishes to clarify that this ICR is for paperwork burden only. The type of burden that the commentor describes would be captured by an Economic Assessment, which is not required for the Guidelines or the Expense Reimbursement Grants Program. The Economic Assessments for each of the rules that the commentor mentions should capture the burden associated with new requirements. Furthermore, given the variations between state classification systems, EPA believes that it would be impractical to try to assess how operator certification levels could change as a result of future regulations, many of which will not be effective until after this information collection expires.

The burden tables for this ICR could have used some text to explain how the spreadsheets were developed. It took a while to figure out where the numbers in the spreadsheets came from.

EPA has added some clarification by re-titling the tables.